

**In the Drawings**

Enclosed is a replacement sheet containing Figures 1-3, to which the "Prior Art" legend has been added in accordance with the Examiner's requirement.

### **REMARKS**

Claims 1-18 are now in the application. Claims 1, 10, 17 and 18 have been amended. Claims 1, 10, 17 and 18 are independent claims.

### **The Drawing Objections**

On page 2 of the Office Action, the Examiner objected to Figures 1-3 for failing to contain a "Prior Art" legend, and objected to Figure 9 because it is referred to in the specification, but was not included in the application. Applicant submits herewith a replacement sheet which contains Figures 1-3, on which the "Prior Art" legend has now been added. Applicant has amended the specification to remove reference to Figure 9.

### **The 35 U.S.C. §§102 and 103 Rejections**

On page 3 of the Office Action, the Examiner has rejected claims 1-6, 8, 10-15, and 17-18 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,847,604 to Doyle. On page 6 of the Office Action, the Examiner has rejected claims 7, 9, and 16 under 35 U.S.C. §103(a) as being unpatentable over Doyle.

### **The Present Invention**

The present invention is directed to control area selection and a computing device with a graphical user interface, in which each of several different selectable control areas is associated with a single different color in a color mask stored in the device memory. The color mask is made up of separate regions, each of which correspond to one of the control areas and each of which are colored using only one of the unique colors. Each of the device

control actions is represented by a different one of the colors using a predefined look up table. Thus, instead of making a loose rectangular approximation to a control key or button, as is done in the prior art, the present invention uses a color mask with a region preferably exactly corresponding in shape and size to that of the control key or button to be created and stored in memory. Each region is completely filled with a different color.

#### **U.S. Patent No. US 4,847,604 to Doyle**

U.S. Patent No. 4,847,604 to Doyle (“Doyle”) teaches a computer graphic interface that allows a user to obtain descriptive information concerning a feature of a displayed image or object by pointing to the location of the feature. For each object displayed, Doyle identifies all of the colors in the object and provides a color index for each color of the object.

#### **The Cited Prior Art Does Not Anticipate the Claimed Invention**

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

#### **The Examiner Has Not Established a *prima facie* Case of Anticipation**

The claimed invention is not taught by Doyle. Doyle is directed to the identification of a particular pixel address on a display utilizing color map identifiers.

In Doyle, an area, such as the chair 21, can have **several** colors, where each of the colors of the area is associated with a color index. There is thus a **range** of color indices and

hence multiple colors associated with an area, as is evident from, for instance, color map 25 in fig. 2, where the range of 0 – 31 are associated with segment 1 (seg. 1). Thus when a cursor is moved to a pixel (col. 8, line 11 – 12), the color index of that pixel is read (col. 8, line 14 – 16). That index is then compared with a **range** of indices (col. 8, line 18 – 20) and if the color index is within that **range** a data processing unit knows that a specific area is selected (col. 8, line 20 – 26). Thus it is evident that an area may have a range of colors and not just one color.

Applicant acknowledges that the text pointer table 27 of Fig. 2 shows just one index associated with one string. However, the reason for this is that “the text pointer table need merely to store the numerical limits of each range of indices” (col. 7, line 64 – 68). This means that in fact a whole range of indices is associated with a string.

From color map 25 in fig. 2, it is also evident that the **same** color can have **several** color indices, see for instance color indices 0, 32 and 64 as well as color indices 31, 63 and 65. There is therefore no one-to-one correspondence between a color index and a color. In col. 7, line 29 – 33, it is specified that “the color map includes at least one entry for each different color and **additional entries** for each color which occurs inside and outside a predefined feature”. There can therefore be a multitude of color indices for the same color. What Doyle in essence teaches is that color indices are grouped together in a way so that a **range** is associated with one selectable object on a display. Doyle takes one object, looks at the colors (plural) of that object and provides a color index for each color of the object, numbered in consecutive order. The range of indices are then used to indicate the object. The same procedure is then repeated for all the objects that can be selected, each provided with a

new range of indices and in this way a color map is created. Here it is clear that the **same** color can appear several times in the color map.

Thus, Doyle uses the grouping of color indices to point to an object. This means that colors are as such not used, but the indexing of colors are used as a tool for defining a selectable object.

This also means that the color map will be very large, especially if many objects having many colors are provided. As indicated by Fig. 2 there are **32** indices provided for each selectable object. This means that a color mask using the principles of Doyle will be **32 times larger** than the color mask according to the present invention. The present invention therefore provides a considerable size reduction of the needed memory space as compared with Doyle, which is important when applying this type of functionality in small portable communication devices like cellular phones.

Nothing in Doyle remotely teaches or suggests the representing of each of a set of device control actions by a single different color from a set of unique colors using a predefined look up table, associating each of a plurality of selectable control areas of a display with only one of the different colors in a color mask and establishing the control area and the device control action which is associated with the same color as a retrieved color. These elements are expressly claimed in each of the independent claims. Thus, since these claimed elements are not taught or suggested by Doyle, and since each of these elements are claimed in the independent claims, all of the claims patentably define over Doyle (both under 35 U.S.C. §102 and 35 U.S.C. §103) and are in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-18 based on Doyle.

**Summary**

In view of the foregoing amendments and remarks, applicant respectfully requests entry of the amendments, favorable reconsideration of the application, withdrawal of all rejections and objections and that claims 1-18 be allowed at an early date and the patent allowed to issue.

Respectfully submitted,

Graham Oldfield

By /Mark D. Simpson/  
Mark D. Simpson  
Attorney for Applicant  
Reg. No. 32,942

Synnestvedt Lechner and Woodbridge  
P. O. Box 592  
Princeton, NJ 08542-0592  
Tel. (609) 924-3773  
Fax (609) 924-1811